

Crim

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☒ SUPERSEDING
**OFFENSE CHARGED**
 Title 18 U.S.C., Section 1349 - Conspiracy to Commit Wire  
 Fraud and Mail Fraud;  
 Title 18 U.S.C., Section 1623(a) - Perjury and  
 Title 18 U.S.C., 1503 - Obstruction of Justice

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: Please see attachment.

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION
**DEFENDANT - U.S.**

Michael Q. Mai

 DISTRICT COURT NUMBER  
 14-0493 JST
**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

 Name and Office of Person  
 Furnishing Information on this form MELINDA HAAG
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.  
 Attorney (if assigned) Kyle Waldinger/Hallie Hoffman
**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)Northern District of California**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed

**DATE OF  
 ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
 TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: \_\_\_\_\_

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

***United States v. Michael Q. Mai, CR 14-00493 JST***

MAXIMUM PENALTIES (Each Count)

Count One: Title 18, United States Code, Section 1349 – Conspiracy to Commit Mail Fraud and Wire Fraud

Imprisonment: 20 years

Fine: \$250,000 (or twice the value of the property involved in the offense, whichever is greater)

Supervised Release: 3 years

Special Assessment: \$100

Restitution: To be determined by the Court

Count Two: Title 18 U.S.C., Section 1623(a) – Perjury

Imprisonment: 5 years

Fine: \$250,000

Supervised Release: 3 years

Special Assessment: \$100

Restitution: To be determined by the Court

Count Three: Title 18 U.S.C., 1503 – Obstruction of Justice

Imprisonment: 10 years

Fine: \$250,000

Supervised Release: 3 years

Special Assessment: \$100

Restitution: To be determined by the Court

MELINDA HAAG (CABN 132612)  
United States Attorney

FILED  
2014 JAN 23 P 2:38  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 14-0493 JST
	)	
Plaintiff,	)	<u>VIOLATIONS:</u> 18 U.S.C. § 1349 – Conspiracy to
	)	Commit Mail Fraud and Wire Fraud; 18 U.S.C.
v.	)	§ 1623(a) – Perjury; 18 U.S.C. § 1503 – Obstruction
	)	of Justice
MICHAEL Q. MAI,	)	
	)	
Defendant.	)	

SUPERSEDING INFORMATION

The United States Attorney charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Superseding Information:

1. The defendant, Michael Q. MAI, was an individual who resided in Orange County in the Central District of California.
2. Dearborne Circle, LLC (“Dearborne”), was owned and controlled at least in part by MAI, and MAI held himself out to be the President of Dearborne. Dearborne’s principal place of business was purported to be MAI’s residence in Orange County.
3. BPMB, Inc. (“BPMB”), was owned and controlled at least in part by MAI.
4. The co-conspirator C.K. was an individual who resided in the Northern District of California. C.K. was held out to be the “contracts manager” for Dearborne.

SUPERSEDING INFORMATION  
CR 14-0493 JST

5. The co-conspirator Quin Rudin was an individual who resided in Southern California. Rudin held himself out as being associated with both Dearborne and Certus Solutions, Inc. ("Certus").

6. Oracle America, Inc. (formerly known as Oracle USA, Inc.) (“Oracle”), was headquartered in San Mateo County in the Northern District of California. Oracle was a subsidiary of Oracle Corporation, which was also headquartered in San Mateo County. Oracle was in the business of providing database and applications software to businesses and organizations, among other products.

7. The Pension Benefit Guaranty Corporation (“PBGC”) was an agency of the United States Government, with its principal offices located in Washington, D.C.

**COUNT ONE:** (18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud and Wire Fraud)

8. The factual allegations in paragraphs 1 through 7 are re-alleged and incorporated herein as if set forth in full.

9. Beginning no later than in or about August 2009, and continuing until on or about October 31, 2009, both dates being approximate and inclusive, in the Northern District of California and elsewhere, the defendant,

MICHAEL Q. MAI,

did knowingly and willfully conspire and agree with Rudin and C.K. to devise, participate in, and execute a material scheme and artifice to defraud, and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises, and by means of concealment of material facts, and, for the purpose of executing such scheme and artifice, did knowingly and intentionally cause certain matters and things to be delivered by the United States Postal Service and by private and commercial interstate carrier according to the direction thereon, in violation of Title 18, United States Code, Section 1341, and did knowingly and intentionally cause to be transmitted, in interstate commerce, by means of a wire communication, certain writings, signs, and signals, in violation of Title 18, United States Code, Section 1343. In sum and substance, MAI, C.K., and Rudin agreed that they would fraudulently induce Oracle to permit Dearborne/Certus to re-sell Oracle software, licenses, and technical support services to the PBGC, including through e-mail correspondence sent in interstate commerce, and that they then would fail, decline, and refuse to pay Oracle for such software, licenses, and technical support services, even after Dearborne/Certus had received payment from the

1 PBGC by check through the United States mail.

2 All in violation of Title 18, United States Code, Section 1349.

3  
4 COUNT TWO: (18 U.S.C. § 1623 – Perjury)

5 10. The factual allegations in paragraphs 1 through 7 are re-alleged and incorporated herein  
6 as if set forth in full.

7 11. On or about July 22, 2013, in the Central District of California, the defendant,  
8 MICHAEL MAI,  
9 having taken an oath before a competent person that he would testify truthfully at an oral proceeding  
10 pertaining to the lawsuit captioned *Oracle America, Inc. v. Mai*, CV 10-01853, did knowingly and  
11 contrary to his oath testify and declare falsely as to material matters, in that he was asked about a  
12 withdrawal of \$285,000 from Dearborne's bank account of funds obtained from the PBGC as payment  
13 for Oracle software and the defendant gave the following testimony (the underlined portion of which  
14 was knowingly false):

15 Q. And then in – on three days later, on October 26th, there was a withdrawal of  
16 \$285,000 even; is that right?

17 A. Yes. It was for a cashier check to Certus.

18 In truth, as the defendant well knew, the \$285,000 withdrawal that was the subject of the question was  
19 comprised of (a) a \$100,000 cashier's check made payable to the defendant, which the defendant  
20 deposited into his Bank of America account numbered ending -0044; (b) an \$80,000 cashier's check  
21 made payable to BPMP Inc. [sic], which the defendant deposited into BPMB's Bank of America  
22 account numbered ending -8265; and (c) a \$105,000 cashier's check made payable to a company located  
23 in the Northern District of California identified here by its initials, "N.E. Company."

24 All in violation of Title 18, United States Code, Section 1623(a).

25  
26 COUNT THREE: (18 U.S.C. § 1503 – Obstruction of Justice)

27 12. The factual allegations in paragraphs 1 through 7 are re-alleged and incorporated herein  
28 as if set forth in full.

13. Beginning on or about September 26, 2011, and continuing through on or about June 22, 2013, in the Central District of California, the defendant,

MICHAEL MAI,

did corruptly endeavor to influence, obstruct, and impede the due administration of justice by creating two e-mails, which purported to have been sent from Rudin to the defendant on September 22, 2009, and November 3, 2009, concerning payments from the defendant to Rudin/Certus related to the PBGC transaction, and thereafter falsely testifying under oath in a deposition and at trial that the e-mails were created on their purported dates, when, in truth, the defendant created the e-mails on or about September 26, 2011, all in an effort to influence, obstruct, and impede the United States District Court in the lawsuit captioned *Oracle America, Inc. v. Mai*, CV 10-01853, pending in the Central District of California.

All in violation of Title 18, United States Code, Section 1503.

DATED:

1/23/2015

MELINDA HAAG  
United States Attorney

DAVID R. CALLAWAY  
Chief, Criminal Division

(Approved as to form

Waldinger/HK  
AUSAs WALDINGER/HOFFMAN